

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

OCT 03 2008

CERTIFIED MAIL 7008 1140 0002 5900 5882 -RETURN RECEIPT REQUEST

File No.: LA0124141
AI No.: 158602
Activity No.: PER20080001

Mr. Zeljko Franks
Associated Terminals of St. Bernard, LLC
8000 St. Bernard Highway
Arabi, Louisiana 70032

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge equipment/deck washdown water and maintenance ballast water/void tank water directly to the Mississippi River from an existing mobile midstream dry bulk transfer facility operating between River Miles 0 and 235 on the Mississippi River in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Iberville, Ascension, East Baton Rouge, and West Baton Rouge Parishes.

Déar Mr. Franks:

The Department of Environmental Quality proposes to issue for the first time an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge in accordance with this permitting action will only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT.

This Office will publish a public notice one time in the local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521 states, "...The costs of publication shall be borne by the applicant."

The invoice, fee rating worksheet, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. A copy of the entire Louisiana Water Quality Regulations may be obtained from the LDEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Associated Terminals of St. Bernard, LLC
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Pursuant to LAC 33:IX.1309.I, LAC 33:IX.6509.A.1 and LAC 33:I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division (225) 219-3863 or accessing LDEQ's web site at www.deq.louisiana.gov. Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit and/or assessment of a civil penalty against you.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fee, please contact Michelle Bickham, Office of Environmental Services, at the address on the preceding page, telephone (225) 219-3109. To ensure that all correspondence regarding this facility is properly filed, please reference your Agency Interest number 158602 and LPDES permit number LA0124141 on all future correspondence to this Department, including Discharge Monitoring Reports.

Sincerely,



Jesse Chang, Environmental Scientist Manager
Industrial Water Permits Section

mlb

Attachment(s) including draft permit, statement of basis and fee sheet:

c: Michelle Bickham
Water Permits Division

IO-W

cc: Ms. Gayle Denino
Office of Management & Finance

Permit Compliance Unit
Office of Environmental Compliance

Cheryl LeJeune
Water Permits Division

Public Participation Group (for PN)
Office of Environmental Assistance

DRAFT



PERMIT No.: LA0124141
AI No.: 158602

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Associated Terminals of St. Bernard, LLC
8000 St. Bernard Highway
Arabi, Louisiana 70032

Type Facility: mobile midstream dry bulk transfer facility

Location: between River Miles 0 and 235 on the Mississippi River
Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist,
St. James, Iberville, Ascension, East Baton Rouge, and West Baton Rouge
Parishes

Receiving Waters: directly to Mississippi River, (Subsegment 070301)

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on _____

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on _____

Cheryl Sonnier Nolan
Assistant Secretary

DRAFT

Part I

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall (*1) A, the intermittent discharge of maintenance ballast water /void tank water(*2)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>STORET Code</u>	<u>Discharge Limitations</u>		<u>Other Units</u>		<u>Monitoring Requirements</u>	
		(lbs/day, UNLESS STATED)	(mg/L, UNLESS STATED)	(lbs/day, UNLESS STATED)	(mg/L, UNLESS STATED)		
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/discharge	Estimate
COD	00340	---	---	---	250	1/discharge (*3)	Grab
Oil and Grease	03582	---	---	---	15	1/discharge (*3)	Grab
pH -Allowable Range (Standard Units)	00400	---	---	6.0 (*4) (Min)	9.0 (*4) (Max)	1/discharge (*3)	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall (*1) A, at the point of discharge from the barge prior to combining with other waters. **Testing is only required if a visible oil sheen is present.**

FOOTNOTE(S):

(*1) See Attachment 2 for the appropriate outfall and vessel designation.

(*2) See Part II, Paragraph M

(*3) **Testing for COD, Oil & Grease, and pH is only required if a visible oil sheen is present.** If a visual inspection can be conducted, the compartment containing the ballast water must be inspected for a visible sheen prior to the discharge event. If a visible oil sheen is observed in the compartment containing the ballast water prior to the discharge event or if an oil sheen is observed during the discharge event, testing for COD, Oil & Grease, and pH is required.

(*4) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Part I

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall (*1) B, the intermittent discharge of equipment/deck washdown water when transferring commodities other than coal or coke

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	STORET		Other Units		Measurement	Sample
	Monthly	Daily	Monthly	Daily	Frequency	Type
Code	Average	Maximum	Average	Maximum		

See Part II, paragraphs J, K, and L

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

FOOTNOTE(S):

(*1) See Attachment 2 for the appropriate outfall and vessel designation.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall (*1) C, the intermittent discharge of equipment/deck washdown water when transferring coal or coke

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements		
	STORET Code	Other Units (lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		Measurement Frequency	Sample Type
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow-MGD	50050	Report	Report	---	---	1/discharge	Estimate
COD	00340	---	---	250	400	1/discharge	Grab
TSS	00530	---	---	Report	Report	1/discharge	Grab
pH	00400	---	---	6.0 (*2)	9.0 (*2)	1/discharge	Grab
(Standard Units)				(Min)	(Max)		

See Part II, paragraphs J, K, and L

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall (*1) C, at the point of discharge from the barge prior to combining with other waters.

FOOTNOTE(S):

(*1) See Attachment 2 for the appropriate outfall and vessel designation.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

PART II

OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the Office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

- A. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations or additional restrictions, if necessary, to maintain the water quality integrity and the designated uses of the receiving water bodies.
- B. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
- C. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
- D. For definitions of monitoring and sampling terminology see Part III, Section F.

E. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutant(s):

None

F. 40 CFR PART 136 (See LAC 33:IX.4901) ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.4901).

G. FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE

If the flow measurement sample type in Part I is specified as "estimate", flow measurements shall not be subject to the accuracy provisions established at Part III.C.6 of this permit. The daily flow value may be estimated using best engineering judgement.

- H. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

Effective date of the permit

PART II

OTHER REQUIREMENTS

I. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2903, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit; or
3. Require reassessment due to change in 303(d) status of waterbody; or
4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

J. BARGES BMPS

General requirements for barges/vessels carrying all types of cargo and/or supporting activity, i.e., barge/vessel washing, work barges/vessels, bunkering barges/vessels, midstream refueling barges/vessels, barges/vessels carrying coal, coke, grain, rock, chemical, or any other cargo are described in the following.

Best Management Practices (BMP) shall be used to prevent the discharge of contaminated waters or cargo and shall be at least equivalent to the following:

1. Louisiana Administrative Code Title 33:IX.9 Spill Prevention and Control (SPC) does apply to all tanks and equipment mounted on barge/vessel surfaces as well as to any tanks on shore. All pumps, tanks, vessels or other equipment on work or washwater barges/vessels shall be placed on impervious decks and provided with spill containment systems such as curbs, gutters, sumps or absorbents and drip pans capable of retaining spills of oil and other materials.
2. With respect to work and washwater barge/vessel surfaces, LAC 33:IX.907.F.1 referring to containment is modified to include a requirement that the containment volume must be sufficient to contain the volume of the largest tank or vessel on the barge/vessel surface, or 35% of the total volume of all tanks or vessels mounted on the barge/vessel surface,

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whichever is larger.

3. If applicable, the facility SPC plan is required to be prepared and implemented within 180 days of the permit date.
4. **Wastewaters generated in the process of washing barge/vessel deck surfaces may be discharged provided: a.) residual oil and other contaminants that may be present on the deck surface are removed before the washing takes place, by means of absorbents or other appropriate methods that prevent oil and other contaminants from entering the waterway; b.) if a cleaning agent is used in the wash process, it is one that is biodegradable, and c.) if a visible sheen is present, a sample must be taken and tested for compliance with the following parameters prior to discharge: 50 mg/l TOC, 15 mg/l Oil and Grease, and pH within the range of 6.0 – 9.0 standard units.**

If a sample(s) has been taken and tested, monitoring results (summarized monthly) must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). DMR forms shall be submitted quarterly along with and in the same manner as DMR forms for outfalls.

Note: If washing barge deck surfaces when transferring coal or coke, a sample must be taken and analyzed for compliance with Outfall C (Part I, Page 4 of 4).

5. Inadvertent spills and/or releases of cargo products directly into the waterbody from handling equipment, such as, but not limited to, clamshell buckets, shall be minimized to the extent practicable by a.) maintaining all equipment in accord with manufacturer's specifications and good engineering practice; and b.) frequent cleanup of accumulations of spilled cargo.
6. Wastewaters generated, prior to barge/vessel maintenance and/or repair, in the process of hydroblasting (or pressure washing) of the barge/vessel exteriors (excluding decks, refer to number 4 above) may be discharged provided that if a cleaning agent is used in the wash process, it is one that is biodegradable.

K. CONDITIONS FOR BARGES

1. Each rig or barge shall have clearly marked identification on the vessel to allow personnel to determine the identity of the operating equipment.
2. A log of all sites where barge washdown is carried out shall be kept as part of the conditions of this permit. **This log should contain the volume of discharge, name of vessel, location, receiving waterbody, date of work performed, presence or absence of a visible sheen, and commodity washed from the rig.** This log is to be kept at the operator's main place of business and shall be provided to DEQ upon request.
3. Associated Terminals of St. Bernard, LLC office personnel are to furnish locations of each operating barge upon request of Department personnel.

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4. Only the materials specifically listed in **Attachment 1** may be transferred. No other materials shall be transferred without prior written approval of the Office of Environmental Services, Permits Division. This approval may require a permit modification.
5. Only permitted washwaters may be discharged. Washwaters from any type of container, drum, truck, etc., that is not clearly listed in the permit shall not be discharged.
6. The permitted barge(s) shall operate between River Miles 0 and 235 on the Mississippi River, in Plaquemines, St. Bernard, Orleans, Jefferson, St. Charles, St. John the Baptist, St. James, Iberville, Ascension, East Baton Rouge, and West Baton Rouge Parishes. This Office is to be notified in writing prior to operating the barge(s) at any other location. This approval may require a permit modification.
7. Only the midstream loader barges listed in **Attachment 2** are authorized to discharge under this permit. No other vessel shall be included in the permit without prior written notification to this Office. The request to add a vessel to this permit shall be submitted in writing to the Office of Environmental Services and the appropriate Regional Office(s) within sixty (60) days prior to the start of equipment operation (refer to **Attachment 3**). Additionally, both offices are to be notified in writing whenever any vessel ceases operation and should be removed from the permit. This may require a permit modification.

All permit conditions and requirements apply equally to all mentioned vessels. For the purposes of compliance tracking, a vessel designator has been assigned to each operating vessel (see **Attachment 2**). DMRs should reflect the appropriate outfall and wastewater discharge type for each barge or rig covered under this permit. For example, DMRs submitted for Docksider #1 midstream loader should reference 01A for maintenance ballast water.

L. SOLIDS ACCUMULATION IN BARGES, VESSELS, CONTAINERS, SUMPS, ETC.

Subject equipment must be kept clean at a frequency necessary to prevent excessive solids accumulation and/or cross contamination of different categories of materials handled. Documentation is required for the procedures.

M. BALLAST WATERS

The volume of all discharges of maintenance ballast, and/or void tank water from the derrick crane barge(s), the date of discharge, the presence or absence of a sheen, location, receiving water body and the name of the vessel must be recorded in a daily operating log, a copy of which is to be submitted to LDEQ quarterly with the facility's Discharge Monitoring Reports. Discharges which exceed the specified limits must be reported to DEQ as excursions. As used in this paragraph, "ballast" means river water that has leaked into work barges/vessels.

Maintenance ballast/void tank water from derrick crane barges may be discharged without sampling for COD, Oil & Grease, and pH provided there is no visible oil sheen. **If a visible sheen is present in the compartment containing the ballast water prior to the discharge**

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event or if an oil sheen is observed during the discharge event, a sample shall be taken and tested for compliance with Outfall A.

N. BILGE AND/OR SLOP WATERS

The direct discharge of bilge and/or slops waters is not permitted.

- O. The LPDES permit authorizes the discharge from the permittee's operation at various locations on the Mississippi River between River Miles 0 and 235. There shall be no discharge within one mile upstream of any drinking water intake. As guidance only, a list of the drinking water intakes on the Mississippi River of which this Office is aware is provided in Attachment 4. The permittee is responsible for determining the existence and the location of the nearest drinking water intake prior to each discharge.

P. DISCHARGE MONITORING REPORTS

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute) **for each vessel using the appropriate outfall and vessel designation as listed in Attachment 2.** All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, enter "No Discharge" in the upper right corner of the Discharge Monitoring Report.

Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form (one DMR form per monitoring period per outfall) and submitted to the Office of Environmental Compliance either hand delivered or postmarked no later than the 28th day of the month following the reporting period.

- For parameters that require a monitoring frequency of quarterly or more frequent (ex: 1/day, 1/month, 1/discharge, 1/week, etc), DMRs shall be submitted in accordance with the following schedule:

Monitoring Period

January, February, March
 April, May, June
 July, August, September
 October, November, December

DMR Postmark Date

April 28th
 July 28th
 October 28th
 January 28th

- For parameters that require a semiannual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period

January 1 – June 30
 July 1 - December 31

DMR Postmark Date

July 28th
 January 28th

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3. For parameters that require an annual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period

January 1 – December 31

DMR Postmark Date

January 28th

Duplicate copies of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and any violations of the conditions of the permit as well as all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Permit Compliance Unit
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312

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ATTACHMENT 1

Metallic/Non-Metallic Ores
Light Weight/Medium Weight/Heavy Weight Ores
Minerals, Mineral Sand
Coke
Coal
Limestone
Clay
Cement, Clinkers
Fertilizers
Steel, Steel Scrap, Steel Scrap Substitutes
Aggregates
Alumina
Aluminum
Barite
Ferro Alloys
Grains, Grain By-Products
Iron Scrap
Salt
Sugar

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ATTACHMENT 2**Vessel Designation**

Outfall Designator	Discharge Type
Outfall A	Ballast Water
Outfall B	Equipment/Deck Washdown Water When Not Transferring Coal or Coke
Outfall C	Equipment/Deck Washdown Water When Transferring Coal or Coke

Vessel Designator	Status	Equipment
01	Active	Docksider #1
02	Active	Docksider #2
03	Active	Docksider #3
04	Active	Gregory L.
05	Active	Crystal Gayle
06	Active	Derrick Barge AT7

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ATTACHMENT 3**CURRENT ADDRESSES**

Enforcement Division
Office of Environmental Compliance
Department of Environmental Quality
P. O. Box 4312
Baton Rouge, Louisiana 70821-4312

Mailing Addresses For Regional Offices

Acadiana Regional Office
Surveillance Division
Office of Environmental Compliance
111 New Center Drive
Lafayette, Louisiana 70508
(337) 262-5584

Capital Regional Office
Surveillance Division
Office of Environmental Compliance
P. O. Box 4312
Baton Rouge, Louisiana 70821
(225) 219-3600

Northeast Regional Office
Surveillance Division
Office of Environmental Compliance
1823 Highway 546
West Monroe, Louisiana 71292
(318) 362-5439

Northwest Regional Office
Surveillance Division
Office of Environmental Compliance
1525 Fairfield Avenue, Room 520
Shreveport, Louisiana 71130
(318) 676-7476

Southeast Regional Office
Surveillance Division
Office of Environmental Compliance
201 Evans Road, Bldg. 4, Suite 420
New Orleans, LA 70123-5230
(504) 736-7701

Southwest Regional Office
Surveillance Division
Office of Environmental Compliance
1301 Gadwall Street
Lake Charles, Louisiana 70615-5176
(337) 491-2667

Jurisdictional Parishes For Each Regional Office

Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary, Vermilion

Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (East of the Atchafalaya River), Iberville, Livingston, Pointe Coupee, St. Helena, St. James, St. Martin (East of the Atchafalaya River), Tangipahoa, West Baton Rouge, West Feliciana

Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll, Winn

Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster

Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Terrebonne, Washington

Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon